

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1315

AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-13-2-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana. A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

- (1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.
- (2) A public officer while performing official duties.
- (3) A person who is a dealer solely because of activities as a transfer dealer.

**(4) A person who sells off-road vehicles.**

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6) boats per year.

SECTION 2. IC 9-13-2-117.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 117.3. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

SECTION 3. IC 9-13-2-123 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 123. (a) "Passenger motor vehicle" means, except as provided in subsection (b), a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, or a school bus, **or an off-road vehicle.**

(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.

SECTION 4. IC 9-17-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. (a) **This section does not apply to an off-road vehicle that is at least five (5) model years old.**

(b) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; **or**
- (2) are off-road vehicles;**

and ~~(2)~~ **that** will be operated in Indiana.

~~(b)~~ **(c)** Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

~~(c)~~ **(d)** A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 5. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) **This section does not apply to an off-road vehicle that is at least five (5) model years old.**

**(b) A person who purchases an off-road vehicle after December 31, 2005, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 6. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 5. If an application for a certificate of title is for a vehicle **or off-road vehicle** brought into Indiana from another state, the application must be accompanied by:

- (1) the certificate of title issued for the vehicle **or off-road vehicle** by the other state if the other state has a certificate of title law; **or**
- (2) a sworn bill of sale or dealer's invoice fully describing the

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vehicle **or off-road vehicle** and the most recent registration receipt issued for the vehicle **or off-road vehicle** if the other state does not have a certificate of title law; **or**

**(3) other information that the bureau requires, if the other state does not have a certificate of title or registration law that pertains to the vehicle or off-road vehicle.**

SECTION 7. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 6. **(a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(b)(2) or 1.5 of this chapter.**

~~(a)~~ **(b)** A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ **(c)** A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

~~(c)~~ **(d)** The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 8. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 9. **(a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

**(b)** A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 9. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 17. A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.**

SECTION 10. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 0.5. This chapter does not apply to an off-road vehicle.**

SECTION 11. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. This article does not apply to the following:

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- (1) Farm wagons.
- (2) Farm tractors.
- (3) Farm machinery.
- (4) A new motor vehicle, if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:
  - (A) the new motor vehicle was being transported on a railroad car or semitrailer; and
  - (B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

**(5) Off-road vehicles.**

SECTION 12. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 13. IC 9-23-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]:

**Chapter 0.5. Application**

**Sec. 1. For purposes of this article, "motor vehicle" or "vehicle" does not include an off-road vehicle.**

SECTION 14. IC 9-29-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) The fee for a delinquent title is ten dollars (\$10). Except as provided in subsections (b), ~~and~~ (c), **and (d)**, the bureau shall collect this fee when a purchaser or transferee fails to apply for an original certificate of title or a transfer of title, by assignment, within thirty-one (31) days after the vehicle is purchased or otherwise acquired. This fee is in addition to all other fees imposed for the issuance of a certificate of title.

(b) A dealer who titles a vehicle in the dealership's name for purposes of putting the vehicle in rental, leasing, or demonstrating service is not required to pay a delinquent title fee under this section, but shall pay the following for each title:

- (1) The title fee under section 3 of this chapter.
- (2) A service charge under IC 9-29-3.

(c) A dealer who titles a vehicle in the dealership's name for the purpose of selling the vehicle shall pay the following:

- (1) The title fee under section 3 of this chapter.
- (2) A service charge under IC 9-29-3.

**(d) IC 9-17-2-1.5 applies to the purchase or acquisition of an off-road vehicle that is less than five (5) model years old.**

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SECTION 15. IC 14-8-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2006]: **Sec. 5.5. "Alcoholic beverage", for purposes of IC 14-16-1, has the meaning set forth in IC 14-16-1-1.5.**

SECTION 16. IC 14-16-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2006]: **Sec. 1.5. As used in this chapter, "alcoholic beverage" has the meaning set forth in IC 7.1-1-3-5.**

SECTION 17. IC 14-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2006]: **Sec. 9.5. Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2.**

SECTION 18. IC 14-16-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 18. (a) A dealer shall maintain in safe operating condition all vehicles rented, leased, or furnished by the dealer. The dealer or the dealer's agents or employees shall explain the operation of a vehicle being rented, leased, or furnished. If the dealer or the dealer's agent or employee believes the person to whom the vehicle is to be rented, leased, or furnished is not competent to operate the vehicle with safety to the person or others, the dealer or the dealer's agent or employee shall refuse to rent, lease, or furnish the vehicle.

(b) A dealer renting, leasing, or furnishing a vehicle shall carry a policy of liability insurance subject to minimum limits, exclusive of interest and costs, with respect to the vehicle as follows:

- (1) Twenty thousand dollars (\$20,000) for bodily injury to or death of one (1) person in any one (1) accident.
- (2) Subject to the limit for one (1) person, forty thousand dollars (\$40,000) for bodily injury to or death of at least two (2) persons in any one (1) accident.
- (3) Ten thousand dollars (\$10,000) for injury to or destruction of property of others in any one (1) accident.

(c) In the alternative, a dealer may demand and must be shown proof that the person renting, leasing, or being furnished a vehicle carries a liability policy of at least the type and coverage specified in subsection (b).

**(d) A dealer:**

- (1) shall prepare an application for a certificate of title as required by IC 9-17-2-1.5 for a purchaser of an off-road**

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vehicle and shall submit the application for the certificate of title in the format required by IC 9-17-2-2 to the bureau of motor vehicles; and

(2) may charge a processing fee for this service that may not exceed ten dollars (\$10).

(e) This subsection does not apply to an off-road vehicle that is at least five (5) model years old. After January 1, 2008, a dealer may not have on its premise an off-road vehicle that does not have a certificate of:

(1) origin from its manufacturer; or

(2) title issued by;

(A) the bureau of motor vehicles or its equivalent in another state; or

(B) a foreign country.

SECTION 19. IC 14-16-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) An individual shall not operate a vehicle under any of the following conditions:

(1) At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another.

(2) While:

(A) under the influence of ~~intoxicating liquor~~; **an alcoholic beverage**; or

(B) unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.

(3) During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.

(4) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.

(5) On the frozen surface of public waters within:

(A) one hundred (100) feet of an individual not in or upon a vehicle; or

(B) one hundred (100) feet of a fishing shanty or shelter; except at a speed of not more than five (5) miles per hour.

(6) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(7) Within one hundred (100) feet of a dwelling between midnight and 6:00 a.m., except on the individual's own property or property under the individual's control or as an invited guest.

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(8) On any property without the consent of the landowner or tenant.

(9) While transporting on or in the vehicle a firearm unless the firearm is:

(A) unloaded; and

(B) securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(10) On or across a cemetery or burial ground.

(11) Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.

(12) On a railroad track or railroad right-of-way, except railroad personnel in the performance of duties.

(13) In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.

(14) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

(b) Subsection (a)(9) does not apply to a person who is carrying a handgun if the person:

(1) has been issued an unlimited handgun license to carry a handgun under IC 35-47-2; or

(2) is not required to possess a license to carry a handgun under IC 35-47-2-2.

SECTION 20. IC 14-16-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 29. (a) Except as provided in ~~subsection (b)~~, **subsections (b) and (c)**, a person who violates this chapter commits a Class C infraction.

(b) A person who violates section ~~18~~, **18(a), 18(b), 18(c)**, 23(1), 23(2), or 24 of this chapter commits a Class B misdemeanor.

**(c) A person who violates section 18(d) or 18(e) of this chapter commits a Class A infraction.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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